

ISSUE BRIEF | Center for Homeland Security & Immigration

# 2021-2023: CHILD EXPLOITATION AT THE SOUTHERN BORDER

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## TOPLINE POINTS

- ★ The Biden Administration's open border policies are responsible for the record setting number of unaccompanied alien children (UACs) trafficked or smuggled to the U.S. southern border.
- ★ These vulnerable children are being exploited and abused by Mexican cartels, human traffickers, corporations, and their own families on the journey north and after the Biden Administration releases them to unvetted sponsors.
- ★ The America First approach to border security prioritizes deterrence measures that prevent bad actors from exploiting children and protects those arriving unaccompanied.

## Introduction

America is experiencing a revival of the worst parts of the Industrial Revolution in the forms of indentured servitude, modern-day slavery, and forced labor of children being trafficked and smuggled across the southern border. An overlooked aspect of the Biden Administration's open border policies is that they enable the cartels to take advantage of vulnerable children for profit. Recent Congressional hearings, along with a startling New York Times investigation into the lives of these minors — known as unaccompanied alien children (UACs) — prove that this abuse is neither hypothetical nor anecdotal ([Dreier, 2023](#)). From February 2021 to present, a reported two-thirds of all UACs in the U.S. work “illegal, full time jobs, often in factories and in hazardous conditions” ([House Oversight, 2023](#)). Excerpts from the investigation reveal the terrible reality of what these children endure:

*“Paco Calvo arrived in Middlebury, Vt., when he was 14 and has been working 12-hour days on dairy farms in the four years since. He said he crushed his hand in an industrial milking machine in the first months of doing this work.”*

*“Juanito Ferrer called for help after he was brought to Manassas, Va., at age 15 by an acquaintance who forced him to paint houses during the day and guard an apartment complex at night. His sponsor took his paychecks and watched him on security cameras as he slept on the basement floor.”*

*“I still have to pay back my debt, so I still have to work,” said Mauricio Ramirez, 17, who has found a meat processing job in the next town over.*

Though each child has an individual story, the common denominator is their unlawful entry through our Nation’s Southern border. Ending the exploitation of UACs starts with enforcing the law at the border, which will prevent the cartels from taking advantage of them in the first place. Unfortunately, present-day border security and immigration policies follow a perverse incentive structure that emboldens the cartels and further facilitates the harm of UACs.

### **The Problem: Policies that Incentivize Child Exploitation**

For years, policies that exempt migrant children from enforcement actions at the border have perpetuated the UAC crisis by essentially advertising a streamlined, guaranteed entrance into American communities. One primary reason for this exploitation is a loophole in U.S. immigration law that prevents most UACs from being quickly returned to their families in their home countries. The 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) initially mandated the procedure of uniting UACs from “non-contiguous countries (i.e., all other countries besides Canada and Mexico) with “sponsors” upon arrival in the U.S. Though this policy was a well-intentioned attempt to protect UACs from exploitation, it acted as a magnet for even more families to send their children to the border unaccompanied, effectively guaranteeing more business to smugglers and traffickers. This policy also prevented quick removals because DHS was releasing UACs into the interior rather than detaining them. Even with the Trump Administration’s new deterrence policies in place, the TVPRA acted as a significant roadblock to quickly removing UACs, instead just facilitating their movement within the government bureaucracy.

Now, the Biden Administration’s policies have compounded the problem by fully exempting UACs from Title 42 removal authority, which was in effect from the start of their term until midnight on May 11, 2023 ([DHS, 2023](#)). This has further fueled the record number of UACs apprehended by the Department of Homeland Security (DHS) and then transferred to the Department of Health and Human Services (HHS), as required by the TVPRA. From there, HHS administers their placement with sponsors within the U.S. In the past twenty-eight months,



the number of UACs coming to our Southern border has skyrocketed: more than 360,000 have been apprehended overall, marking a two hundred percent increase from the two years prior (approximately FY19-21)([CBP, n.d.](#)).

Congressional testimony by Border Patrol Chief Gloria Chavez in 2023 revealed that illegal aliens are trapped in a system of exploitation from the moment they leave their country of origin ([House Oversight, 2023](#)). Cartels extort and exploit them for safe passage to the U.S., and the most vulnerable are often trapped in indentured servitude for years or the rest of their lives. Policies that encourage children's unlawful entry benefit the extortionists, traffickers, and smugglers along the border, who line their pocketbooks as a result of the increased demand for UACs across their territory. A leaked CBP memo from May 2023 revealed that the Biden Administration was set to remove familial DNA testing at the border by the end of the month ([CBP, 2023](#)). This Trump Administration had specifically used this policy to deter child trafficking by verifying that children were arriving with their families – not cartels or other bad actors trying to traffic them across the border.

After unlawfully entering the United States, UACs are quickly moved from DHS custody to facilities overseen by HHS, who is then responsible for their care and overseeing their potential release to sponsors within the U.S. HHS is now subjecting “sponsors” to significantly fewer vetting procedures compared to previous administrations, and the Biden Administration is the first administration to release UACs to sponsors who refuse to submit to a background check ([ORR, 2021](#)). This irresponsible policy makes it easier for traffickers to pose as sponsors as HHS blindly hands UACs over to their abusers.

In 2022, the Biden Administration also loosened vetting standards for volunteers at the HHS facilities that hold UACs before sponsor placement. Under this policy, adults with incomplete background checks—including mandatory fingerprinting—are still allowed to volunteer and have access to the UACs ([ORR, 2022](#)). Easing these guidelines compromises the welfare of these children and makes it easier for traffickers to infiltrate government facilities and continue abusing the children or tracking them before they are released. During a recent Congressional Oversight hearing on the Office of Refugee Resettlement's (ORR) UAC Program, the ORR director stated that in FY23, only “37 percent of children end up with their parent” ([Oversight, 2023](#)). Additionally, HHS has experienced significant problems as it attempts to process the growing surge of unaccompanied children along the border. The New York Times reports that HHS caseworkers “say they rush through vetting sponsors” and that over the last two years, the agency “could not reach more than 85,000 children” and “lost contact with a third of migrant children.” An HHS contractor in Arizona who worked to connect UACs with sponsors reported an increase in failures in the vetting process, describing how “there were so many cases where sponsors had



sponsored multiple kids, and it wasn't getting caught. So many red flags with debt. So many reports of trafficking" ([Dreier, 2023](#)).

As a result of the misguided incentive structure at the border, UACs are failed by weak child welfare and labor protections enforcement. Two-thirds of all UACs end up working full-time despite lacking work authorization under U.S. immigration law. They are also too young to work, according to U.S. labor laws, but are forced into jobs to pay off debts from the cartels or their sponsors. These jobs generally require long hours and are often labor-intensive, dangerous, and punishing. Some children are seriously injured or have accidents that lead to amputations ([Semuels, 2023](#)). Reminiscent of the terrible realities of the Industrial Revolution, the New York Times investigation reported that “[U]naccompanied minors have had their legs torn off in factories and their spines shattered on construction sites, but most of these injuries go uncounted” ([Dreier, 2023](#)).

The New York Times investigation also reveals that a wide range of industries are complicit in illegal hiring of UACs. The Wisconsin-based meatpacking plant, Packers Sanitation Services Inc, was recently found to employ more than 100 children (some as young as 13) in dangerous jobs that involve cleaning skull splitters, brisket saws, and bone cutters. In December 2022, four major suppliers to Hyundai Motor Co and Kia Corp were found to have employed child labor in their factories over the past few years. Underage workers at Hearthside Food Solutions processing plants (used to manufacture some of the most popular brands of granola bars and cereals) have some of the worst stories to tell ([Rosenberg; Cooke; Schneyer, 2022](#)). For example, Kevin Tomas, a thirteen-year-old minor who arrived in the U.S. with his seven-year-old brother, found work with an auto manufacturer where his shifts ended at 6:30 in the morning. Two years later, Hearthside hired him to stack 50-pound cases of cereal, according to the investigation. Related employment agencies have since claimed that Hearthside is aware of their underage hiring.

These tragic stories of child exploitation are just what has been uncovered. With over 360,000 UAC arrivals over the past twenty-eight months, it is highly likely that the actual scale of unlawful child labor is much worse ([CBP, 2023](#)). It also appears that since 2021, labor trafficking has been willfully overlooked by HHS under the Biden Administration; managers reported concerns that their office had become “one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.” With the rapid rise in UAC encounters, HHS Secretary Xavier Becerra has been reportedly pushing for faster releases, threatening staff that he would replace them if they did not achieve their target metrics.

Due to the relaxed standards for migrant children that arrive unaccompanied, families pressure their children to come to the U.S. alone and



work. Coupled with the debt they have incurred to the cartels for the transportation from the home country to the U.S. southern border, these children are burdened with the task of making money. HHS caseworker Kelsey Keswani reported to the New York Times that “the kids almost all have a debt to pay off, and they’re super stressed about it.” One of the UACs employed illegally told the New York Times, “It’s not that we want to be working these jobs. It’s that we have to help our families” ([Dreier, 2023](#)). In other cultures where child labor is more acceptable, families send their children to the U.S. to make money for them, knowing that they themselves may be turned away at the border due to their age.

### **The Solution: Institute Deterrence Policies and Target the Cartels**

Deterrence policies are the primary solutions to end child trafficking and exploitation at the border. Open borders are not compassionate because the only people who benefit from them are cartels and human traffickers. There are proven steps the government should take to deter illegal aliens and target the cartels.

First, the Biden Administration should immediately remove the pull factors (the likely possibility to be released in the country, obtain a work permit, and/or work illegally) that encourage more children to come into the country unlawfully. They should repatriate the UAC population that is already in the country, which will send a message to families considering sending their children that they will not be rewarded by breaking our laws. The Trump Administration instituted these deterrence measures, which resulted in record low border apprehension numbers and significantly fewer UACs in custody. By enforcing the law and removing a much higher percentage of the UAC population, more children were shielded from the entrapment of abuse and exploitation. Congress should additionally reform the TVPRA so that UACs are not discriminated against based on country of origin and quickly returned home. Along with deterrence, the Biden Administration needs to directly target the cartels, which are public enemy number one for all Americans and migrants alike. Their blatant disregard for human rights for sole pursuit of financial gain necessitates a head-on approach that involves sanctioning their monetary platforms, blocking their use of social media to recruit, and authorizing the use of military force against them.

Secondly, it is in the best interests of the United States and the migrant children encountered at our Southern border to have robust vetting measures for sponsors and volunteers. Though the primary solution is to prevent the flow of UACs in the first place, the minors who do enter the U.S. should not be released to random people, no matter how strained the system is. Sponsors should be required to pass background checks with zero exception, and connection between the sponsor and the child should be established beyond a



reasonable doubt. HHS should investigate and vet each volunteer to ensure they are not connected to child trafficking or the cartels. The absence of these sensible measures is harming migrant children by handing them over to bad actors who extort them for money, force them into labor exploitation or sex trafficking, or sell them into modern-day slavery.

Thirdly, HHS leadership should not continue to prioritize releases at the expense of child welfare, and DoL must not overlook the prevalence of labor exploitation. The lack of thorough oversight by DHS and the Department of Labor (DoL), coupled with poor worksite enforcement leaves these children caught in terrible situations that can only be characterized as modern-day slavery. To combat this situation, the DoL should lead an interagency effort to ensure compliance with both child labor laws and immigration laws, to include compliance with INA 274A forbidding the employment of illegal aliens. States also have an important role to play, and they should take steps to ensure a legal workforce by mandating E-Verify, a free, web-based system that confirms the eligibility of employees to work in the U.S., as well as their age. All employers should be required to use E-Verify, because it holds them accountable to the law and prevents businesses from exploiting both illegal alien labor minors and adults to reduce costs and maximize profit margins ([Law; Ziccarelli, 2022](#)).

Finally, ending the cycle of exploitation requires removal of the assurance that UACs will be able to work in the U.S. and send money home. A variety of policy changes can make this happen, including the aforementioned enforcement of worksite laws, the mandating of E-Verify, and changes within HHS. Increased ICE activity in these production plants would also send a message that illegal, underage hiring is unacceptable. Relaxed immigration enforcement for adults only further incentivizes illegal immigration and increases the number of migrants subjected to the evils of labor exploitation. Additionally, states can adopt harsher penalties for businesses that violate child labor laws and immigration laws. They can also help end the exploitation of children by making funds more costly to send internationally. The State of Oklahoma imposes fees on outgoing international wire transfers, which are remitted back to taxpaying citizens ([10Okla. Stat. Ann. tit. 63, § 2-503.1j](#)). However, for illegal aliens, this fee makes it less desirable to send money from the U.S. back home, and should also disrupt the cartels in their debt bondage of underage children.

### **Conclusion: The Real Consequences of Open Borders**

The Biden Administration claims they are the architects of a compassionate immigration policy and a safe, humane and orderly system, but their policies have only resulted in a mass humanitarian crisis, and the trafficking and smuggling of vulnerable children. Under this misguided direction, our Nation is regressing to Industrial Revolution-like levels of child labor exploitation.





The recent New York Times Investigation demonstrates that the exploitation of UACs does not start and end at the border. It continues far beyond into the U.S., where children are released to bad actors and are subsequently enslaved in a life of abuse. The terrible outcomes of these policy failures are preventable and obviously, a new approach is needed.

The America First solution to border security prioritizes American values and National sovereignty. The implementation of deterrence at the border during the Trump Administration is a proven testament that these measures put our country on the right path by stopping illegal immigration and keeping vulnerable populations out of the hands of traffickers and smugglers. The most humane course of action to ending this crisis is to close the loopholes on policies that entice children to come to the border. The reality of UAC exploitation is not just that it is occurring, but that it is happening at a historic rate despite being wholly preventable.



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